

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 4:19-cv-10520-TSH

CHARU DESAI,
Plaintiff,

v.

UMASS MEMORIAL MEDICAL CENTER,
INC., et al.,
Defendants.

**PLAINTIFF'S EX PARTE MOTION
TO EXTEND DEADLINE FOR
FILING HER OPPOSITIONS TO
DEFENDANTS' FOUR MOTIONS
FOR SUMMARY JUDGMENT**

Pursuant to FRCP Rule 6(b)(1)(A), Plaintiff Charu Desai, M.D., hereby moves the Court on an *ex parte* basis and respectfully requests the Court extend the deadline by which she must file oppositions to Defendants' four motions for summary judgment.

As grounds, Plaintiff states as follows:

1. On December 1, 2020, the Parties filed a Joint Motion to Extend Scheduling Order (doc. 45), requesting an extension of the discovery deadlines and all corresponding case deadlines. In the Joint Motion, the Parties requested that the deadline for dispositive motions, including motions for summary judgment, be extended to February 1, 2022.

2. On February 3, 2021, the Court entered an electronic order granting the Parties' Joint Motion (doc. 46). The Court issued an Amended Scheduling Order adopting the Parties' requested fact discovery deadline, but the Order set a deadline for dispositive motions for December 1, 2021 (doc. 47). On September 9, 2021, the Court set a hearing on summary judgment motions for February 7, 2022 (doc. 56).

3. The Parties acted diligently in conducting extensive fact and expert discovery. Based on the diversity and complexity of the claims and the extensive discovery conducted, as

well as on counsel's personal obligations over the Thanksgiving and December holidays, on October 25, 2021, the parties submitted a joint motion seeking additional time for the submission of motions for summary judgment and oppositions thereto (doc. 59).

4. Specifically, the parties requested the deadline for submission of summary judgment motions be extended from December 1, 2021, until February 1, 2022, and the deadline for responses in opposition to motions for summary judgment be set for 45 days following the filing of such motions.

5. On November 2, 2021, this Court granted in part the parties' Joint Motion for Extensive of Time to File Motions, such that dispositive motions were due by December 17, 2021 and responses are due January 14, 2022. The Court also rescheduled the hearing on the dispositive motions to February 23, 2022.

6. On December 1, 2021, defendants Darren Brennan, Max Rosen, Stephen Tosi, the University of Massachusetts Memorial Medical Center and the University of Massachusetts Memorial Medical Group filed an Assented-To Motion for Leave to file Excess Pages for their Memoranda of Law in Support of their Motion for Summary Judgment (doc. 62).

7. On December 3, 2021, the Court granted Defendants' Assented-To Motion for Leave to File Excess Pages.

8. On December 17, 2021, Defendants served four separate motions for summary judgment and papers in support thereof (docs. 64 through 75): (a) the first filed by Darren Brennan, Max Rosen, Stephen Tosi, the University of Massachusetts Memorial Medical Center and the University of Massachusetts Memorial Medical Group; (b) the second filed by Marlborough Hospital; (c) the third filed by Karen Dill; and (d) the fourth filed by the University of Massachusetts Medical School.

9. Undersigned counsel will be single-handedly opposing all four motions. As the Court is aware, on October 8, 2021, attorney Brendan Sweeney, who also represented plaintiff, submitted a Notice of Withdrawal (doc. 57).

10. In addition, and as noted above, undersigned counsel has personal commitments over the December holidays. Specifically, undersigned counsel will be out of the country from December 20 through December 29, 2021. As a result, rather than having 45 days to oppose Defendants' motions (as was jointly proposed by the parties in their papers filed on October 25, 2021 (doc. 59)), or even thirty (30) days, as the Court's order granting in part the parties' Joint Motion to Extend contemplated, undersigned counsel will have just fourteen (14) days to oppose four motions for summary judgment.

11. Additional time is needed for undersigned counsel for Plaintiff adequately to prepare oppositions to Defendants' four summary judgment motions and to be able to fully brief these matters to the Court. In light of the number and length of Defendants' motions for summary judgment, Plaintiff proposes the Court extend the deadline for her response to February 1, 2022, so she has thirty (30) days to respond to Defendants' Motions.

12. There is good cause for this request, and the requested extension is being made in good faith. The extension will not prejudice any party. On the contrary, Plaintiff's request for more time is consistent with the parties' original Joint Motion for Extension of Time (doc. 59). Moreover, Plaintiff will be substantially prejudiced absent the relief requested.

13. This Motion is being filed on an *ex parte* basis as undersigned counsel received the multiple motions for summary judgment late in the afternoon on Friday, December 17, 2021, and will be leaving the country for ten days commencing on the morning of Monday, December

20, 2021. Undersigned counsel's schedule therefore does not allow time to confer with counsel for Defendants pursuant to Local Rule 7.1(a)(2).

WHEREFORE, Plaintiff Dr. Desai respectfully requests that this Court extend the deadline for the filing of her oppositions to Defendants' four motions for summary judgment until February 1, 2022, with subsequent deadlines (for replies and hearing) also extended by two weeks.

Respectfully submitted,

CHARU DESAI

By her attorney,

/s/ Patricia A. Washienko
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Dated: December 18, 2021

CERTIFICATE OF SERVICE

I, Patricia Washienko, hereby certify that this document, filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on this day.

/s/ Patricia Washienko
Patricia Washienko

Dated: December 18, 2021